P 49

O.F. 71.

19

Department of Revenue

OFFICE Office Order

STATION Madras

Mis No. 190

A 4294/36

Dated 16/1/37

Pages in the file

(SUBJECT.)

Fees in (South Kanara) — Jeppoo New Cemetery and Amtwadi Church lands — Exempted

BOARD OF REVENUE
3-OCT 1936

GOVERNMENT OF MADRAS

SEC
REVENUE 3-OCT 1936

A4294

Memorandum No. 1012 F/36, dated 1st October 1936.

Land - (South Kanara) - Law suits in respect of the Jeppoo new cemetery and the Bantval Church lands - Report.

.....

The Board of Revenue is requested to state whether there are any suits pending in respect of the Jeppoo New cemetery and the Bantval Church lands between the Chatholic Churches and the Government in the South Kanara District and if there are, to report the present stage of the suits.

T.M.S. Mani,
Under Secretary to Government.

To the Board of Revenue.

.....

Forwarded,

(By Order)

V. Ramachandran

Superintendent.

Rg.

Ks.

3

C.F.16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched:		

SUBJECT:— Suits - (South Kanara) Law suits in respect of the Jeppoo New Cemetery and the Removal Church lands

READ AGAIN ✓, dated Report called for 19

" " " 19

READ *ALSO*:— A 4294/26 I & I Cf — A

No. From the , No. , dated 19

" " " " 19

" " " " 19

Order / Resolution — Ms. / Rout. No. Ref A 4294/26-1 dt 7/6/26, dated 19

M 2 CA A 3.55 1/7.10

Referred to the Collr of South Kanara for a Complete report at a very early date

le 6/10

W 6.10.26

To the Collr of South Kanara

2·4

ote please see the BP
ar (W) Besides this da
there may be other hits
between the Catholic Churches
and the Holy Spirit pending
in the courts, and is
is safer to call for the
this report in the matter

by
6/10

D.Dis. 5225-36. South Kanara Collector's Office,

Camp Kasargod, dated 7 - 11 -1936.

From

A. D. Crombie, Esquire, C.I.E., I.C.S.,

Collector of South Kanara.

To

The Secretary,

Board of Revenue,

M a d r a s.

Sir,

Suits - (South Kanara) - Law suits in respect of the Jeppu New Cemetery and the Bantwal Church lands - Report submitted.

Refce: Board's Ref.A. 4294-36-1 dated 7-10-1936.

****

There are two suits now pending. One is O.S.No. 435/35 and the other O.S.No. 130/30 on the file of the District Munsif of Mangalore. Of these, the former relates to the Jeppu New Cemetery land and the latter to the Bantwal (Modankap) Church lands. The stages at which the two suits are at present are explained below:-

I. O.S. 435/35. This suit is for a declaration that S.No. 74/1A1 of Jeppinamogar village is reserved for the use of the Roman Catholic Parishioners of the Rosario Cathedral Church as a burial ground, that it is dedicated for that purpose and that its resumption by Government is not legal, valid and binding on the plaintiff Church and is liable to be cancelled and also for certain other consequential reliefs. The whole of S.No. 74/1A was originally granted to the Church for purposes of burials in 1895. The circumstances under which the resumption of the suit plot was recommended have been explained in Mr. Gawne's letter Ref.A2-3739-34 dated 11-1-1935. In its Proceedings B. No. 369-35-1, dated 6-3-35, the Board sanctioned the proposal regarding the resumption of the land except the area enclosed

y the Church authorities and licensed by the Municipal Council for the cemetery. It also ordered that as regards the assignment of the land separate orders would be issued after inspection of the land by a member of the Board of Revenue. In September 1935 the Land Revenue Commissioner inspected the land and in B.P. Mis. No.3856 dated 10-10-35 approved Mr. Gawne's proposal to assign plots of land in the resumed portion for the construction of houses by or for peons. The Tahsildar accordingly assigned T.S.Nos. 839/1A2 to 1A11 to 10 peons. In the meantime, the Church authorities filed this suit, the defence of which was sanctioned in B.P. Mis. 6 dated 3-1-36 on Mr. Gawne's Ref.A3.No. 5199-35 dated 3-12-35. The suit is now pending in the District Munsif's court, issues having been already framed.

(2) At present, there is a compromise proposal from the Bishop of Mangalore, who, though not a direct party to the suit is the head of the Diocese of Mangalore of which the Church in question is a member. In his present representation (copy enclosed) the Bishop offers to withdraw the suit and pay the costs of the Government on condition that the resumption ordered by the Board and the assignment ordered by the Tahsildar are cancelled and the old grant of 1895 is restored. The Bishop's main contentions are:-

(i) that the land is not suited for human habitation, being near the burial ground as already held by the former Collector Khan Bahadur J. Hussain,

(ii) that the old cemetery has now been filled up and that the new cemetery is alone available for future burials and 104 burials have taken place in it,

(iii) that by the constructions of a Mortuary Chapel and a house for the watchers or the grave digger as permitted by the Board in Proceedings Misc. 3856 dated 10-10-35, the space for burials in the cemetery will be diminished and will be filled up by graves in about 2 years,

(3) There is no doubt that Mr. J. Hussain had rejected certain darkhast applications for a portion of the land on a sanitary point of view, but Mr. Gawne subsequently thought that the ground being hard, building houses near the cemetery would be unobjectionable as there were houses close to the other burial grounds. Mr. Gawne found no burials in the land till 1928 and only one burial after 1928. In order to verify the Bishop's allegation about the further burials made after the cancellation of the grant, I inspected the cemetery on 2.11.1936. It is true that over a hundred burials have been made in the licensed portion during the last two years but these may have been made in order to strengthen the case of the Church for the whole plot. Moreover, at the present rate it will be much more than 2 years before the licensed portion is full. The old cemetery appears to have still some room left in it, but it is claimed that what appears empty ground contains old graves which no longer show on the surface, and it is difficult to contest this point.

II. O.S.130/30.

(1) This suit is for a declaration that S.Nos.129/1B & 2 and 275/B of Muda village belong to the plaintiff (Church) on warg right and for a direction to the defendant (Government) that the lands should be included in the plaintiff's holding as also for certain consequential reliefs. The suit was heard by the District Munsiff, Mangalore and dismissed on 17.9.1932. The plaintiff filed an appeal and it is now pending in the ----- Subordinate Court, Mangalore.

(2) After the appeal was filed, there was a proposal for compromise and Mr. Gawne inspected the locality on 20.3.1933 and proposed that the western half of the land hatched in the ------ enclosed plan would be given to the plaintiff and the remaining portion to the adjoining landholder. But the plaintiff did not agree to this proposal on the ground that the portion proposed to be allotted to the adjoining landholder contained graves and also improvements made by the plaintiffs.

(3) Subsequently in his letter, Ref.A3.No.5019-30, dated

8

13.7.1934, Mr. Gawne addressed the Board for sanction to assign the land to the adjoining holders and obtained Board's orders - please see B.P.Rout.No.4070, dated 4.8.1934. In this connection there was in the Subordinate Court an injunction petition filed by the plaintiffs but it was dismissed with costs. Against this dismissal order, there was an appeal to the High Court. This also ended in dismissal. Subsequently Mr. Gawne abandoned the idea of assigning the land, as he was of opinion that there would be more proceedings of every sort, including Civil cases, if the land should be assigned to the Hindus. To avoid all further trouble he ordered that the lands should be entered in the Prohibitory Order book.

p 3 (P.)

(L)

p 4 (W)

(4) The Bishop in his present representation (copy enclosed) urges for the assignment of S.No.129/1B on the ground that it is the old burial ground which being a consecrated ground requires protection from desecration by others. To support his statement that S.No.129/1B is a burial ground, he quotes the Deputy Tahsildar's order, Ref.C.1751-B-15, dated 21.1.1916 prohibiting burials in it, (2) Collector Mr. Vibert's remarks, dated 21.8.1918 that objection against the assignment for the Church was that the land would be used as a burial ground, (3) the sketch prepared by the Revenue Inspector, dated 30.11.1917 showing the sites of the old graves and (4) the plan prepared by the Commissioner in the suit showing the sites of the old graves. The Bishop's contention is supported by the above records as well as by the report dated 13.11.1930 of the Deputy Tahsildar, and the confidential report dated 7.3.1933 of the Revenue Divisional Officer (Rao Bahadur K. Raman Nair) though the District Munsiff disallowed this contention - please see paragraph 23 of the Judgment (printed copy enclosed).

pp 11-15 (H)

Sketch p 25 (H)

p 13 (H)

pp 33-35 (H)

p 13-14 (Y)

(5) The Bishop also urges that the plot contains improvements viz., cocoanut plants and other trees planted by the Church along with S.No.225 under the authority given in the Collector Mr. Vibert's order, Dis.281 D., dated 28.1.1918 and that, seeing that Government ordered the assignment of

p 25 (H)

p 14 (H)

9

S.No.225 to the church on the ground of improvements made in it, S.No.129/1B must have been omitted to be assigned by some mistake. In this office letter to the Board, Ref.No. A1-364-28, dated 11.3.1928 sent in reply to Board's Ref.No. B-7118/27-1, dated 4.1.1928, no mention was made either of the improvements or of the traces of burials in S.No.129/1B. Reference was made to the planting of trees only in S.No.225, and this plot was ordered by Government to be assigned to the church on the ground that the church was allowed by the Collector to plant trees over its greater portion and that it was impracticable to require the church to remove any trees that it had planted - please see G.O. Mis. 242, dated 5.2.1929 communicated with the B.P. Mis. 441, dated 9.2.1929. I now find from the Tahsildar's report of 1926 that cocoanut, jack, mango etc., trees planted under the authority of the Collector, (Mr. Vibert's) order Dis. 208 D/Rev.18 trees and graves did exist in S.No.129/1B before the date of Mr. Gawne's letter re improvements in S.No.225. If any ------- reference to the existence of these improvements and the graves had been made in Mr. Gawne's letter of 1928 referred to above, probably the Government would have ordered the assignment of --- S.No.129/1B as well along with 225. But owing to some mistake, no mention appears to have been made in the letter, of the ----- improvements etc. in S.No.129/1B. The objection to the assignment of this plot is not from any Government point of view but from the point of view of the adjoining holder of S.No.129/1A whose contention is that the plot, having been reserved for ---- communal purposes of grazing etc., should be left as it is and not assigned to the church, and that in the event of its assignment a sufficiently large portion of it should be assigned to her. On her petition (enclosed), Mr. Gawne has remarked thus:- "Petitioner wants rather than grazing ground freedom from burying and her right of way."

Mr. Gawne saw no objection to throwing open the plot for assignment under the darkhast rules to the adjoining land holders and had obtained Board's orders for assignment - please see B.P.

Routine 4070 dated 4.8.1934, but subsequently he dropped the idea of assignment as already stated in paragraph (4) above, and ordered this plot and also 275 (Revised 325/1 & 2) to be entered in the Prohibitive Order Book.

I enclose a sketch prepared by Mr. Raman Nayar at the time of the compromise proposal as also a copy of his ------ confidential report dated 7.3.1933. He recommended the --- assignment of the hatched portion but Mr. Gawne proposed to assign only the western half of the hatched portion to the church to which the church refused to agree as the portion - proposed to be allotted to the adjoining holder contained -- graves and improvements made by the church. By the assignment of the hatched portion to the church the adjoining ---- holder would have no real grievance, as she would have some portion of the plot 129/1B and 275 still intact for her right of way and other use. Of course, the church cannot be ---- allowed to use this land for burial purposes, as remarked by Mr. Raman Nayar, and a condition to this effect would have to be imposed in the assignment order if the plot were to be -- assigned to the church.

(6) Of the other two plots 129/2 and 275B claimed by the church, 129/2 is actually a road which is not allowed to be encroached upon by any one and there can be no objection to the church using it as such like the public. The claim of the church to 275 is unsustainable. This plot 275 (Revised 325/1 & 2) has already been entered in the -------- Prohibitive Order Book along with 129/1B. It can be used by the church for processions etc. during festivals as occasion arises and the object of the church will be quite ----- fulfilled if it remains unassigned.

7/ In both the cases, the church authorities want assignment to be made of all the plots claimed by them in the suits and the only concession they are prepared to give is the --- payment of Government costs. For the reasons given by ----

//

Mr. Gawne in his letter to the Board Ref. A3-5199-35, dated 3.12.1935 I do not recommend compromise.

W. 1-4 (W)

11

11.11.35

For Collector.

11-XI-35

13

C.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying		
When copied		
When examined	10/11	[illegible]
When signed		
When despatched.		

SUBJECT :— Suits - (South Kanara) Law suits in respect of Jeppu New Cemetery and Bunival Church lands

READ AGAIN _____, dated _____ 19____.

" " _____ " Colln's report - Submitted to Govt 19____.

READ *ALSO* :—

No. _____ From the _____, No. _____, dated _____ 19____.

" _____ " A 4294/36 " 1 C " 19____.

" _____ " A 4906/36 " 5-11 C " 19____.

Order / Resolution Ms. / Rout. No. Ref A 4294/36 - 2 dated 5/12/36 19____.

M, 7/12

Submitted to Govt.

2/ The Board considers that the view taken by the Collr is perfectly correct

6 7/12. 4.12.36

7/12

DESPATCHED 10 DEC 1936

8/12/36

To the Secy to Govt Revenue dept with the Colln's letter 27/11/36 and other enclosures in original with a printed judgment. and with the following records (X) P.T.O.

Secretary

14

/x (a) Collis letter d 11/1/35 pp 1-4 (N)

/ (b) Bonds Ref B369/35-1 d 6/3/35 —— pp 27 & 28 (T)

/ (c) BP Mis 3856 d 10/10/35 pp 13-14 (N)

/ (d) BP Mis 6 d 3/1/36 p 27 (W)

(e) Plaint at pp 5-10 (W).

(f) Collis letter 3-12-35 pp 1-4 (W).

(g) Rt 4070 d 4/8/34 p 3 (P).

(H) Collis letter 364/28 11/3/28 pp 16-19 (B)

(I) BP Mis 441 d 9/2/29 pp 19-20 (O).

Items (a) to (I) to be copied and sent.

Revenue 14(a) Department

SECY. 2-DEC 1936

C.F. 98.

REMINDER. ____ Branch.

REPLY

To The Board of Revenue

To The Secy to Govt Revenue dept

-8 DEC 1936 3 MADRAS

I ~~have the honour to invite~~ am directed to invite attention to ~~invite~~ Tenis No. 4012 F/36 dated 1-10-36 and to request that the reply to it may be expedited ~~request that this reminder may be returned at once with information as to~~

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected, and

(3) the circumstances which ~~have~~ caused the delay.

Office Rev Deptt.

Signature.

Station Fort St George Under Secy to Govt

Designation.

Dated 1-12-36

SUBJECT.

Land - (S. Kamara) 3/12/11

Law suits in respect glebe Jeppoo new cemetery and the Roman Catholic church lands - Report

To AS (LR)

The report to Govt is "under issue".

2/. This may be filed

1/12 8/12 WS 9-12

8/12

15

L.R. Commr.
30 NOV 1938

From
L.P.Fernandes, B.A., L.M.& S.,
Chief Medical Officer,
Fr. Muller's Hospitals,
Kankanady P.O.,
Mangalore.

Dear Sir,

At the interview which you so kindly granted me on the 23rd instant, I told you that I was unable to meet your questions regarding suit No. 435/1938 and that I would submit explanation on my return to Mangalore. I now beg to submit the following:-

1. The whole of S. No. 74/1A of Jeppinamogaru has been in our possession since its assignment in 1893. In accordance with the conditions of the assignment we have incurred expenditure to the extent of Rs. 383- 13- 0 for construction of a wall around the land and a part of the road.

Law 3(4)-169 (W)

Law 10-115 (W)

2. In 1931 when darkast proceedings were instituted in respect of a portion of this land, by Dewan Bahadur Javad Hussain Saheb Bahadur, the said land had not been resumed by Government. In 1934 also when Collector, E. M. Jones, Esquire, instituted similar darkast proceedings the land had not been resumed. It was only after we submitted our petition in 1934 to the Board of Revenue stating these facts, that the question of resumption was raised (Vide Board's proceedings No. 369/35-1 dated 5th March 1938). When the Collector instituted the resumption proceedings in his R. Dis. No. 3700-34 dated 10th March 1935 and issued a notice [illegible],

14-29-28 (T)

17

we objected to the resumption of our petition to the Collector, dated 29- 3- 1950.

We beg to represent that the resumption was irregular as the improvements made by us on the land, in accordance with the Collector's order of grant were not compensated by Government. There was no condition in the order of assignment that the land would be resumed and that in any case the improvements made by us would be forfeited. As the resumption was irregular, the subsequent assignment must also be considered to be irregular.

I now learn that only .75 acre (75 cents) has been assigned and the remaining 2.05 acres have not been assigned.

12) (W)

We instituted a civil suit and obtained an injunction as we were afraid that the whole land 74/1A would be assigned and taken possession of by the assignees, in which case our position would be more difficult before the Government. We pray that this statement may be treated as an appeal against the resumption.

---

4 5-9 (X)

With regard to suit D. C. No. 165/1950 re Moolankavu Church, in continuation of the notes submitted by me on 24th instant, I beg to draw your kind attention to the fact that the improvements on S. No. 129/1B were made in accordance with the order of Collector, Lionel Fibert, Esquire along with the re-

provements in S. No. 220. While S. No. 220 was assigned direct by the Government on the basis of that order, S. No. 129/1B was not assigned owing to its omission in the report sent to Government by the Collector. The improvements so made still exist on the land. In spite of this fact, that land has been placed on the Prohibitory Order Book even though the encroachment proceedings (eviction) have not been terminated.

(Not Read) Moreover when darkhast proceedings D.K. No. 170/1944 were instituted in respect of this land after obtaining Board's Orders, we had the first claim for its assignment for the reason that there were our improvements on the land as stated in the above mentioned order of Collector Mister Albert, Esquire, and the land is in our possession. These darkhast proceedings it appears had been abruptly closed, even without giving us the requisite Notice.

I beg to state that applications for the withdrawal of both the suits have already been filed in the respective Courts. When the orders of the Court are received by us, they will be submitted to you.

I beg to remain,

Sir,

Your most obedient servant,

L P. Fernandes.

Mangalore,
28th Nov.,1936)

To

J.F.Hall, Esquire, C.B.E.,I.C.S.,I.S.O.,
Hon'ble Revenue Board Member,
Madras.

GOVERNMENT OF MADRAS

21

Sectt. II-15 (a)—35,000—15-11-35.

A(7) II SEC.

Received 11 JAN 1937 193 *Registered* 193

Abstract.

LAND - (South Kanara) - Law suits in respect of the Jeppoo new cemetery and the Buntwal Church lands - Report - Papers recorded.

REVENUE **DEPARTMENT.**

G.O. No. Ms.69, **dated** 8th January **1937.**

READ the following paper:—

ENCLOSURES.
No. 1 cf.
1 13 cf.

From the Revenue Department Memo.No.4012-F/36, dated 1st October 1936.
From the Board of Revenue, Ref.A.No.4294/36-2, dated 5th December 1936.

O R D E R:-

Recorded.

2. The Government agree with the Board that the view taken by the Collector regarding the suits in respect of the Jeppoo new cemetery and the Buntwal church lands is correct

(BY ORDER OF THE GOVERNOR INCCOUNCIL)

H. R. UZIELLI.
Secretary to Government.

To the Board of Revenue.

F o r w a r d e d.

(By Order)

V Narasinga Rao

Superintendent.

To V.I.3/1

4

22

A 4906/36 f. 5 cf. Q
A 177/37 f. 21 cf. A

~~Subject as at f. 21 cf.~~ Seppoo new Cemetery
Suit - (South Kanara) - Grant of Burnwal Church lands - G.O. cancelled

(Res) Mis 190 9/16 1.37

Communicated to the Coll
of South Kanara.

14/1
14/1/37

15-1-37

To the Coll of South Kanara

15.1.37

Note file

Suits - (South Kanara) -
Law suits in respect of
Jeppu New Cemetery and
Buntwal Church lands -

M1
A.J.S
As(LR)
(with a reminder)

Govt Memorandum A 4294/36 / 1 cf
1.11.36.

Board's Ref A 4294/36 - ld 7/10/36 / 3 cf
A 4906/36 ff 5-11 cf

To As (LR)

Please see the Govt Memorandum at / 1 cf., and the Collr's report at ff 5-11 cf.

ff 5-11 cf
ms
24.11

2/ The Collr's report may be submitted to Govt ~~to~~ with reference to their Memo at / 1 cf.

ff 10-11 cf

3/ In para 7 the Collr states that in both the suits the Church authorities want assignment to be made of all the plots claimed by them in the suits and the only concession they are prepared to give is the payment of Govt costs. For the reasons given by Mr Gawne in para 6 of his letter at ff 3-4

ff 3-4 (N)

be done in the matter
The fact that the Church
has filed withdrawal
applications in both the
suits in its own accord
does not seem to change
the situation
For orders

19/12

The orders of Govt.
may be awaited
WS 22/12/36 - AS

Ref. issued A 4294/36-2 d 5/12/36 ✓ 13 cf
Reply received G.O Ms 69 Rev dated 8/1/37 ✓ 21 cf

AS(LR)

To AS(LR)

draft submitted

14/1/37

WS 15/1/37

Madenkanp Church Suit.

S. Nos. 129 and 275 (now 325) were in the use of the Church from time immemorial, for processions during festivals etc, and 129 was the old burial ground.

In 1913 the Church applied for the assignment of these two plots. Instead of assigning them to the Church, the Dy. Tahsildar assigned them to Kodial Venkat Rao, the predecessor in title of Padmabatiyan 21-11-1913.

On appeal by the Church, G. L. Priestley Esquire, Divl. Officer, cancelled the assignment, but did not assigned them to the Church. His order says that the two plots are required for communal grazing and for the use of the Church. This was on 28-4-1914. The need for communal grazing did not really exist but must have been suggested as an obstacle to the assignment to the Church. If the need was real, how could the Dy. Tahsildar have assigned the same plots to Kodial Venkat Rao on 20-11-1913 Subsequent to that assignment up to its cancellation by G. L. Priestley Esquire, there was no complaint from the villagers that they were deprived of their grazing ground. There are vast areas for grazing in the village.

Again seeing that these two plots were not required for communal grazing, the Board of

Revenue in 1935 declared them open for assignment. Mr. Lawne the Collector instructed the Dy. Tahsildar to assign them to Padmavati. At this juncture I approached Mr. Lawne and by personal representation and by letters shewed to him that he would do injustice to the Church by assigning the said plots to Padmavati. He forthwith stopped the assignment proceedings and declared them porombokke, not assignable. When the claims of the Church had to be respected, the assignment was stopped.

I send herewith notes and letters I sent to Mr. Lawne. I request you to read them.

Our great anxiety regarding these two plots is that they are in front of the Church, one plot is a burial ground and both are required for the use of the Church.

The private road 129/2B leading from the Govt. road to the Church, was made by the Church and is maintained by the Church. Though it is chiefly used by the people to go to the Church, it is open to the public. We pray that this road may be assigned to the Church, so that its maintenance may not be disturbed

Through 275 a 6 ft path may be allowed.

L. P. Fernandes.

11 - 11 - 1934.

Copy of letter to the Collector by Dr.L.P.Fernandes.

Fr. Muller's Hospital,
11th November 1934.

Dear Sir,

At the interview which you kindly granted to Mr. Sreshta and myself last Friday, you permitted me to submit to you my notes re the Buntwal Church darkhast application. Accordingly, I am sending you my notes along with an extract from the official plan which I have prepared for the purpose of enabling you to have easy reference.

I am afraid Fr. Aranha's action in the matter all along has given you annoyance and displeasure. If he has erred in any way, I pray that you may forgive him, in consideration of his selfless work for his people. He is an exemplary priest, who has led an edifying life, who is devoted to his parish and to his people, and has laboured incessantly to improve their moral and material condition. He is free from worldly attachments to money, family, etc. It was on account of personal regard for him that the late Mr. E. B. Palmer at his retirement from the Bank of Madras lived for several years at Buntwal in the small Bungalow S. No. 126 which is now occupied by the Sisters of Bethany who have taken charge of the Higher Elementary School attached to the Church and intend to open a special school for girls near the Bungalow.

Our community in Bantwal suffered in a special manner during the invasion of Tippu Sultan, as all the Catholics there were carried away into captivity to Seringpatam. At this time the documents re-

lating to the properties of the Church (Inam lands) were lost and owing to this misfortune the church could not prove its title to the properties which were in its enjoyment from times immemorial. At the the settlement of 1902, besides the lands occupied by the Church building and the cemetery compound, only one acre and 71 cents of land was declared to be the kadim warg of the Church. After much agitation Fr. Aranha succeeded in getting about 5 acres and 60 cents of land S. No. 125 (coloured blue in the plan) declared as kadim warg of the Church during the regime of Collector Azizuddin Saheb.

If the documents had not been lost, I am sure the Church could have easily established its right over all the plots of ground which were in its possession.

On the belief of a tradition that the treasures of the Church, documents, altar vessels, crosses etc. were buried in a well about a mile-and-a-half distant from the Church, Fr.Aranha and myself about a year ago with the permission of the land-lord, a Gowd Saraswath gentleman, excavated the bottom of the well. But we found nothing therein; our object in seeking this lost treasure was principally to get the old documents of the Church.

I take the liberty to request you to consider the fact that S. Nos. 125/8 and 129/1A (the new house of Padmavathi is built upon in 129/1A) were common kumaki to the Church warg 125 and to

the warg of Padmavathi 124. Both the plots S. Nos. 125/8 and 129/1A the common kumaki were assigned to the predecessor of Padmavathi with the ragi consent of the Church when the said predecessor of Padmavathi gave his ragi consent to the assignment of plots S. Nos. 129/1B and 275 to the Church. However, the predecessor of Padmavathi withdrew his ragi consent just prior to the assignment without the knowledge of Fr. Aranha. Under the circumstances, it is not fair for Padmavathi to claim further kumaki right on 129/1B and 275.

Another point which I request you to consider is that both plots 129/1B and 275 will be required hereafter for the creation of the proposed girls' school, play-ground, etc. Elementary education, we learn, will soon be made compulsory. Then the existing school will have to be enlarged and a separate school for girls will have to be opened. The assignment of the two plots 129/1B and 275 to the Church will be of great service for this purpose, nay quite necessary.

After my interview at your bungalow, I paid a visit to the Buntwal Church. I find that S. No. 275 is suitable for building purposes and for play-ground.

I think the claims of the Church have not been placed before you clearly so far. I have taken some trouble to prepare the notes and I feel confident that you will be quite satisfied that the claims of the Church for the assignment to it of plots 129/1B and 275 are just. By granting this prayer you will

11

do a great service to the cause of education and to the Catholic community which has ever been loyal to the Brish Raj.

The Church Schools are open to all castes and creeds and I have no doubt that in the future all the people around the church will benefit by the existing schools and the proposed girls' school.

I thank you Sir, sincerely for your kindness and patience in hearing me at the interview on last Thursday. I shall feel extremely grateful to you, if you grant my request. On behalf of Fr. Aranha and myself, I express regret at the annoyance this affair has caused you.

Yours Sincerely,
(Sd). L.P.Fernandes

P.S.

On the plan submitted herewith the properties of the Church are coloured blue, the two plots S.No. 125/8 and 129/1A which were before common kumaki and were assigned to the predecessor of Padmavati in 1913 are coloured red. The plots now to be assigned S. Nos. 129/1B and 275 form a wedge within the properties of the Church.

I have sent a copy of my notes to the Deputy Tahsildar of Bantwal.

11-11-1934

Copy of notes sent to the Collector by Dr.L.P. Fernandes on 11th November 1934.

Plots No. 129/1B and 275 (now 325) were hitherto treated as land required for communal purposes. For this reason they were not assigned to the Church. Another reason for not assigning them to the Church was the fear that they may be used by the Church as burial ground (Vide order of Mr. Lionel Vibert, 28th January 1918) now these two plots have been declared available for assignment.

I The under-mentioned facts clearly prove that the said plots should be assigned to the Church and to no other wargdars.

(1) The said plots have been in the possession and enjoyment of the Church as shown in:-

(a) The Panchayet Decision of 1846 and the order of the Collector thereon (Vide order of Mr. Priestly quoted below).

(b) Statements made by the lakti wargdars, consenting to the assignment of the said plots to the Church.

(1) Kodial Venkat Rao, the predecessor-in-title of Padmavati, owner of Survey No. 124, on 11- 10- 1913.

(2) Vasudeva Holla, son of Sankaya Holla, owner of S. No. 247, on 27- 1- 1914 and 4- 7- 1928.

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(3) Parameshwara Holla, owner of S. No. 246, on 27- 1- 1914.

(4) Appoo Bhandary, owner of S. No. 293/2, on 4- 7- 1928.

(5) Vasudeva Holla, son of Parameshwara Holla, owner of S. No. 246, on 4- 7- 1928.

(c) Order of G. W. Priestly, Esq., I. C. S., Divisional Officer on 28- 4- 1914.

"Read Revenue Appeal No. 4/1914 presented by Rev. Fr. B. Aranha, Vicar of Modankaup Church against the order of the Deputy Tahsildar of Bantwal in D. R. No. 77/1323 assigning plots 129/1A, 125/8, 129/B, and 275 of Muda to Kodial Venkat Rao.

Order of Mr. Priestly.

I have inspected the place.

The plots 125/8 and 129/1A are kumaki to the respondent, who has enclosed them by walls which are now very old. The order assigning these plots to respondent will stand. As regards the other two plots - 129/1 B borders on poramboke road and insufficient road margin was left when assigning it. Also it lies directly in front of the Church and is probably useful to them at festival seasons.

Through 275 two tracks run one apparently a much used foot-path across the north of the plot, another a road in course of construction across the middle

of the plot from east to west. The eastern boundary of the plot is a new road which it is said, will, when finished run from here (Bantwal to Gurpur). This plot is also a continuation of 129/1B in front of the Church. Some part of both these plots appears, as if in ordinary circumstances it would be kumaki to the respondent. However an order of the Collector dated 1846 has been produced in which it is directed that the land in front of the Church should be reserved for the grazing of the cattle and as an aid to the cultivators and that the Church could continue to use it as usual. Thus it appears that the Church has been holding processions on this land from a time antecedent to that at which kumaki privileges were granted; and they seem to have some right to continue to do so. (Except for the track and the road there are no improvements of any sort on the ground). In view of this fact and also in view of the roads that run through and by the plots, I think it undesirable to assign the plots.

As regards the plots S. No. 129/1B and 275 the order of the Deputy Tahsildar is set aside and they will remain unassigned".

(d) Order of Lionel Vibert, Esq., I.C.S., Collector of South Kanara dated 28- 1- 1918, regarding assignment of 129/1B and 225 -

"It is quite clear that the objection now is that if the lands were assigned it would be used as a

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burial ground. It must remain unassigned to any one. But there is nothing to prevent the Church authorities from doing as they have done in the past, that is to say improving the land by planting trees on it.

(e) Order of G. W. Wells, Esq., I. C. S., 23- 12- 1926.

"The plot S. No. 129/1B is one reserved so far back as 1846 for the communal use of the neighbouring wargdars and the Church.

(f) 129/1B contains improvements made by the Church.

II. Plots Nos. 129/1B and 275 cannot be assigned to Padmavathi owner of 124 and 129/1A for the following reasons:-

1. In Panchayat decision of 1846 which is referred to in the orders of Mr. Priestly and Mr. G. W. Wells, the said plots 129/1B and 275 are declared to be in the possession and enjoyment of the Church.

2. Kodial Venkat Rao, predecessor of Padmavathi gave his consent to the assignment of the said plots to the Church on 11- 10- 1913.

3. Order of Mr. Priestly, 28- 4- 1914 cancelling

21

the assignment of plots 129/1B and 275, to Kodial Venkat Rao, the predecessor of Padmavathi on the grounds:-

"Thus it appears that the Church has been holding processions on this land . . . ." and that Kodial Venkat Rao had no kumki rights to the two plots.

4. S. No. 125/7 is the kadim land of the Church and is entitled to kumki. 125/8 and portion of 129/1A were common kumaki to the Church land 125/7, and to Venkat Rao's land 124/5B. As the Church gave its consent to the assignment of the whole of 125/8 and 129/1A to Venkat Rao, further kumaki claim of Venkat Rao on 129/1B and 275 must be considered as forfeited, on the basis of division of common kumaki.

III Plot No. 129/1B has been used as a burial ground from times immemorial. Accordingly it is highly objectionable and offensive to the religious sentiments of the Catholic community if the said plot 129/1B be assigned to any wargdar, other than the Church.

The following facts show that it has been admitted by the Revenue Authorities that plot S.No. 129/1B has been used as a cemetery:-

1. Notice from Deputy Tahsildar of Bantwal, M. R. Ry. B. Parameshwara, dated 21- 1- 1916 (Ref. on C. No. 1751-B/Sub-15.

"Rev. Father B. Aranha, Vicar of Modankaup Church

23

is informed that S. No. 129/1B of Muda Village is not the place intended for burials and further use of the said plots as a cemetery should be put a stop to".

2. Plan prepared by Revenue Inspector dated 30- 11- 1917 shows the sites of old graves on plot No. 129/1B.

3. Order of Mr. Lionel Vibert dated 28- 1- 1918

"It is quite clear that the objection now is that if the lands were assigned it would be used as a burial ground".

IV As the bungalow of the late Mr. E. B. Palmer, retired Agent of the Bank of Madras, S. No. 126, is now occupied by the Sisters of Bethany, who have undertaken the management of the Higher Elementary School attached to the Church, and who in the near future intend to open a separate school for girls near their residence S. No. 126, there will be great and urgent need of ground for the location of the proposed school building and for the recreation of the children attending the school, and to secure adequate privacy to the Institute which is worked only by women. S. No. 275 satisfactorily meets the above-mentioned needs.

12-12-1934

COPY.

21

Fr. Muller's Hospital,
12th December 1934.

Dear Sir,

Your great kindness to me at the two interviews is my apology for again writing to you.

Speaking on my own experience, I am convinced that injustice has been done to the Church. Though the Government may not have admitted the warg right of the Church over the lands which were in its possession, yet there could have been no difficulty in assigning all those plots to the Church. False representations by interested persons have all along mislead the Revenue Authorities. The chief objection to the assignment, viz. that the plots were required for communal purposes (grazing) was absolutely false; they were never used by the villagers for the purpose. That this objection was false is evident from the fact that Government has now declared the lands not required for that purpose. Dr. A. 17/1344 1935

I have had a good deal of personal experience of landed properties. My father owned more than one-and-a-half lakhs worth of lands in various parts of the Taluk. In the town the present Canara High School property belonged to us. The main school building now slightly altered was our residence.

I have also been for a long time on

the Municipal Executive, 9 years Vice-Chairman and acting Chairman off and on for several periods. During the regime of Collector Mr. Lionel Vibert under his guidance, I effected many improvements in the town especially rounding off of bad corners in the early days of motoring.

From my personal experience, I know that Government is always willing to assign to wargdars such lands as have been used as kumaki by them or which have been in their possession, as evidenced by planting, enclosing with walls etc. The Government benefits by assigning them, by the recovery of assessment. In the case of the Modankaup Church much fuss has been made over the simple matter of assignment to the Church of such lands. The only explanation for this is that adverse influence has mislead the Revenue Authorities. The bona fide attempt of Fr.Aranha to secure or to retain the properties of the Church, plots which are one piece with the Church site, contiguous and continuous without any natural boundaries of separation, has been interpreted as avarice, want of charity, land grabbing fever!

The same adverse influence has been responsible for the view adopted by the Revenue Authorities that the plots S. No. 125/7 which are in front of the Church are Hosagame and not old, ancient Inam lands! as proved by Extract from B.

Register and by the Inam Title Deed granted by the Governor-in-Council.

My friend Diwan Bahadur Hegde, when we met, a couple of years ago at Modankaup was rather vocal in asserting that the Church land 125/7 was Hosagame and therefore could not claim kumaki right. He did not want the plots to be assigned to the Church.

In this connection, I maintain that the Collector is the best authority to decide whether the Church lands adjacent to 129/1B are kadim or Hosagame. If the Collector is satisfied that they are Kadim, British justice demands that the Kumaki rights of the Church should be granted.

You told me that you were afraid that Government would suspect you of colluding with the Roman Catholics in case you now assign to the Church the two plots which are the subject-matter of the suit, now under appeal. As I said the contention of the Church was for right of way. The Church is prepared to abandon the appeal and to pay the costs of Government. This is itself would be a triumph for the Government.

The Church has not forfeited its legitimate right to kumaki by instituting the suit. Even at this stage what a saving of trouble and expense to Government would be effected by closing the suit and by assigning the two plots to the Church which is evidently the

3

best entitled to them! Government will surely approve of the proposal, the more so, if the error with regard to the kadim nature of the Inam land is pointed out. To rectify an error is to triumph. I have never seen British justice fail.

I have written this letter with the spirit of humble respect to your person.

Yours Sincerely,
(Sd). L. P. Fernandes.

13-12-1934

33

C O P Y.

From

Dr. L.P.Fernandes B.A., L.M.& S.,
Fr. Muller's Hospital,
Kankanady, Mangalore.

To

E. M. Gawne, Esquire, I. C. S.,
Collector of South Kanara,
M a n g a l o r e.

Dear Sir,

I thank you sincerely for the kindness with which you heard me on the 4th instant regarding the assignment of plots S. Nos. 129/1B and 275 to the Modankaup Church. I thank you also for telling me the objections for the assignment thereof to the Church. In the light of what I have since learnt, I think that these objections could be easily answered. I feel confident that a kind and patient perusal of this letter will convince you that the prayer of the Church is just.

2. The crux of the whole case lies in the question whether the Church property S. No. 125/7, on which the school building stands and which is adjacent to S. No, 129/1B is kadim land or not. If it is kadim land, the Church is entitled, as of right, to obtain the assignment of S. No. 129/1B as the kumaki of S. No. 125/7. That S. No. 125/7 is kadim warg and not Hosagame is a matter which in my opinion is beyond all doubt. I am submitting herewith the following three documents for favour of kind perusal and return:-

25

(1) Certified copy of the extract of B. Register Exhibit II in Original Suit No. 130/1930.

(2) Report of the Head Quarters Deputy Collector of Mangalore to the Collector dated 24-4-1909.

(3) Copy of the Inam title deed granted by the Governor-in-Council to the Church on 12th January 1915, marked Exhibit H in O. S. No. 130/1930.

3. According to document No. 2 the Inam lands of the Church are shown to be 6 acres in extent, but at the last settlement, by mistake, some portions were left out from the patta of the Church. The report makes it clear that the ground on which the school stands viz., S. No. 125/7, is one of the sites left out, and that originally it was inam land. Accordingly S. No. 125/2, 6 and 7 were added on to the remaining Inam lands of the Church viz. S. No. 125/1, 3, 4 and 9. It may be noted that even with the inclusion of S. No. 125/2, 6 and 7, the total extent of the Inam land comes up to only 5 acres 58 cents as shown in the document No. 1, whilst 6 acres were recommended as seen in document No. 2 mentioned above. Document No. 1 refers to G. O. No. 2246 dated 24-7-11 and the Collector's order No. 4981/4- 1- 1912. I have not not been able to get copies of these, but I am sure they also will support the original kadim nature of S. No. 125/2, 6 and 7. Document No. 3 the Inam title deed granted by the Governor-in-Council to the Church in respect of S. Nos. 125/1, 2, 3, 4, 6, 7 and 9 further con-

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firms this. By virtue of the title deeds S. No. 125/2, 6 and 7 are also exempted from assessment.

The Inam title-deed does not create a new grant of Inam but only confirms an old title which existed even prior to the British rule. Hence there can be absolutely no doubt that S. No. 125/7 is kadim warg. If it is kadim warg, it is entitled to kumaki rights upon S. No. 129/1B.

The casual observation of the District Munsif, Mangalore, in his printed judgment in the suit at page 7, lines 1 to 5, that S. No. 125/7 is Hosagame and not kadim warg is not correct, as the said District Munsif solely depends upon the darkhast proceedings of 1910 and ignores the other documents which are submitted herewith. Moreover, this matter did not form an issue in the suit.

It may be noted here that other plots which were assigned to the Church subsequently, such as S. No. 225, are not included in the Inam land and are only Hosagme assignments paying assessment.

4. So that, if S. No. 129/1B is kumaki of S. No. 125/7 belonging to the Church, all that may be urged for the neighbour Padmavati is that it may also be common kumaki to her warg S. No. 124/5B. But Padmavati who purchased her property only recently cannot claim higher rights than her predecessor-in-title Kodial Venkat Rau. The said Venkat Rau whilst obtaining for himself S. Nos. 125/8 and

39

129/1A which were both common kumaki to the Church, expressly and in writing dated 11- 10- 1913 (marked Exhibit G in the original suit) gave his raji consent to the assignment of S. Nos. 129/1B and 275 to the Church. Similarly, all the other lakti wargdars and all the villagers (please see Para I of my previous type-written notes) gave their consent to the assignment of plots S. Nos. 129/1B and 275 to the Church. Padmavati is in possession of S. Nos. 125/8 and 129/1A so that in all fairness neither Kodiali Venkat Rau nor his successor-in-title Padmavathi can claim any portion of S. Nos. 129/1B or 275.

5. The two objections which appear to have been raised from time to time when the Church asked for the assignment of S. Nos. 129/1B and 275 were (1)that if granted to the Church it would be used or continued to be used as a burial ground. On this point, to place the matter beyond all doubt, the Church is prepared to give any sort of undertaking, even by a registered deed, that the said plots or any portion of them would not be used as a burial ground. It might be made a condition of the assignment that if it be used for such a purpose the assignment would be cancelled.

6. The second ground of objection urged from time to time, that the plots are a communal grazing ground, has now no legs to stand upon, because the very fact that the Board of Revenue has cancelled the reservation as a communal grazing ground and laid them open for assignment on darkhast shows that it is no

41

longer necessary as a grazing ground and the interest of the village will not suffer. In truth also, it has never been used by the public of the village as a grazing ground.

7. You were pleased to observe that the assignment of the plots to the Church might be misunderstood, by the Hindu community in general. Frankly I cannot see how the Hindu community or even the Bunt community is concerned with or interested in this question. The question is really between the Church, represented by its large number of local Catholic Parishioners with whom several other Catholic co-religionists like myself, Mr. M. S. Sreshta, Diwan Bahadur S. L.Mathias and many others sympathise on the one hand, and the singular and private interests of Padmavathi and Padmavati alone on the other hand. The villagers have all given their consent to the assignment to the Church as stated above. Moreover the relations between Fr. Aranha and his parishioners, and the Hindus of Modankaup, Brahmins, Bunts and others, are cordial and friendly. Father Aranha is respected as much by the Hindus as by his own people. The Hindus come to him for advice and arbitration of disputes, for medicines, for money from the Modankaup Co-operative Society of which he has been the President for the last 16 years and the Hindu children attend the Church School which is open to all castes and creeds. There is, therefore, absolutely no reason for fearing that the assignment of the said plots to the Church would be reseated by the Hindu Community or that it would create any hostility between the Catholics and the Hindus.

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8. In my previous notes para III Page 4 I have shown that S. No. 129/1B was the old burial ground. With reference to this, you were pleased to remark "We do not admit it was a burial ground". If your view is correct, the report and the plan of the Revenue Inspector cannot be correct, the objection of Collector Mr. Lionel Vibert "That it would be used as a burial ground" is groundless and the notices of the Deputy Tahsildar of Bantwal "against the further use of the plots as a cemetery" is unjustifiable. Finally, your attitude that you do not believe S. No. 129/1B was at any time used for burials in inconsistent with your present fear that it may be used in future for burials. For surely this objection would not have been raised so many times and accepted by the Revenue Authorities in respect of a plot which had never been used as a burial ground.

9. In conclusion, I pray that you may be pleased to bring this affair to a happy termination and thereby to enable the Church to abondon the appeal, paying costs of Government. You recently declared the two plots open for assignment and ordered the Deputy Tahsildar of Bantwal to assign them to the applicant who is best entitled thereto. The following table shows that the Church and the Church alone is entitled to them -

Points	Modankaup Church	Padmavati
Kumaki rights	Justly claims right of kumaki, not assigned.	Claim for kumaki more than satisfied by the assign-

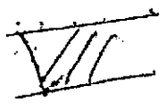
47

points are in favour of the Church and no points for Padmavati.

By granting the prayer of the Church and by considering sympathetically the needs of an educational institute you will earn the gratitude for generations of the Parishioners of Modankaup Church and the Catholic Community of South Kanara.

Mangalore,
13- 12- 1934

I remain,
Yours obediently,
(Sd). L. P. Fernandes.



L.R. Commr.
12 JAN 1937

Father Muller's Hospital,
K a n k a n a d y,
Mangalore, 8th January 1937.

From
14 JAN 1937
15

L. P. Fernandes, B.A., L.M.& S.,
Chief Medical Officer,
Father Muller's Hospital,
Kankanady Post, S.K.

B 249
A 238
MMRB

To

J. F. Hall, Esq., O.B.E.,C.I.E.,I.C.S.,
Hon'ble Revenue Board Member,

M a d r a s.

Sir,

15-19
(D)

Referring to my letter dated the 28th November 1936 I beg to send herewith certified copies of the orders of the Civil Courts passed on our withdrawal of applications in respect of suits O.S. No. 435/1935 and O.S. No. 14/1933.

2-19

The delay is due to the sub-court order copy having been received by the vakil only yesterday.

I understand both the Courts have duly intimated to the Collector the withdrawal of the suits.

I beg to remain,
Sir,
Your most obedient servant,

L.P. Fernandes.

(D) received
20/1/37

To AS(LR)

If 1-10 of Inam fee recorded and stitched with the BP as (D)

12/20/1/37
20/1/37

MS
22/1

GOVERNMENT OF MADRAS
COPY STAMP
THREE ANNAS

In the Court of the Dt. Munsif of Mangalore

Present: M. R. Ry. A. V. Venkatramana Ayyar, Avl. B.A

Dt. Munsif

Friday the 4th day of December 1936.

Original Suit No. 435 of (1935) 1936

The Rosario Cathedral Parish Church, Mangalore, by 1. the Vicar Very Rev. Fr. Julian L. D'Souza and 2. the Lay Administrator Mr. J. L. D'Costa — Pltff.

versus

The Secretary of State for India in Council by the Collector of S. Kanara — Defts.

This Suit coming on this day for final disposal in the presence of Messrs. P. D'Souza and L. C. Pais Pleaders for Pltff and of Mr. M. Annappa Kamath for the Government Pleader, the Court delivered the following:

Judgment:— Suit for (1) a declaration that the land S. No. 74/1A corresponding to S. No. 839/1A of Jeppina-mogaru Village in the possession of Pltff is reserved for the use of the Roman Catholic Parishioners of Pltff church as a burial ground, the expression 'burial purposes' including the auxiliary purposes of a mortuary (Chapel) and a Watcher or grave diggers quarters and is dedicated for the said public purpose

190 declared, and Errors &c

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Mr. D.D. Jung, Mr.

21-12-36

K.B. Shenoy

D.S.V

of burying the dead of their community and that the resumption thereof made by the Government is not legal, valid and binding on Peff and is liable to be cancelled (ii) a permanent injunction restraining Deft from dispossessing Peff of the said land so long as it is required by the Peff Church for the purpose for which it was granted by the Government and from granting the same on ——— darkhast or otherwise to any other person and (iii) ——— costs of suit with interest.

2. The suit is advanced to this date as per order on R. S. A. No. 1033 of 1936 and dismissed without enquiry. Deft's costs to be paid by ½ Ci ½ Peff Vakil's fee Rs 25 —o—o.

Pronounced in open Court this 14th day of December 1936.

Sd. T. Venkatrawana Ayyar
Dt. Munsif.

True Copy on 2 Sheets.

Error One

M. Komaleswara Sastry
Dy. Supdt.

139/329. Copied by K. Krishnan — 2 —

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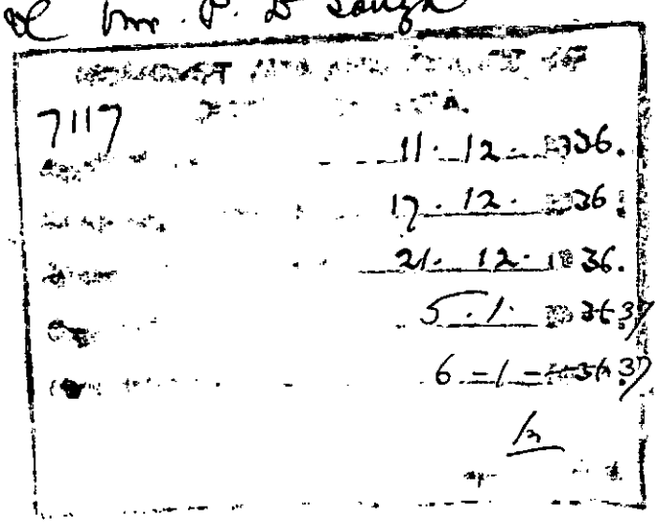
Thr. D. J. Souza, Thr.
21-12-36
J. D. Thenor
D. S. ~

Mr. P. D Souza



In the Court of the Subordinate Judge of South Kanara

Monday, the 30th day of November 1936

Present: V. R. by P. Narayana Menon, Asst B. A. B. L.

Appeal Suit No. 14 of 1933

(A. S. No. 314 of 1932 on the file of the district court of South Kanara)

Between :- The Madankap Roman Catholic Church Buntwal by 1. B. D. Souza 2. The very Rev. Fr. B. Aranha } Plffs

and

The Secretary of State for India in council Respt represented by the district collector of South Kanara } Deft

On appeal from the decree of the court of the District Munsif of Mangalore, dated 17th September 1932 and made in Original Suit No. 130 of 1930

Between :- The Madankap Church, Buntwal represented by B. D. Souza and another } Plffs

and

The Secretary of State for India in council represented by the collector of South Kanara } Deft

This appeal coming on for hearing this day in the presence of Messrs. B. Vaikunta Baliga and K. R. Karanth, pleaders for the Appellants, and of Mr. M. Annappa Kamath, pleader for the Government pleader, for the Respt. the court passed the

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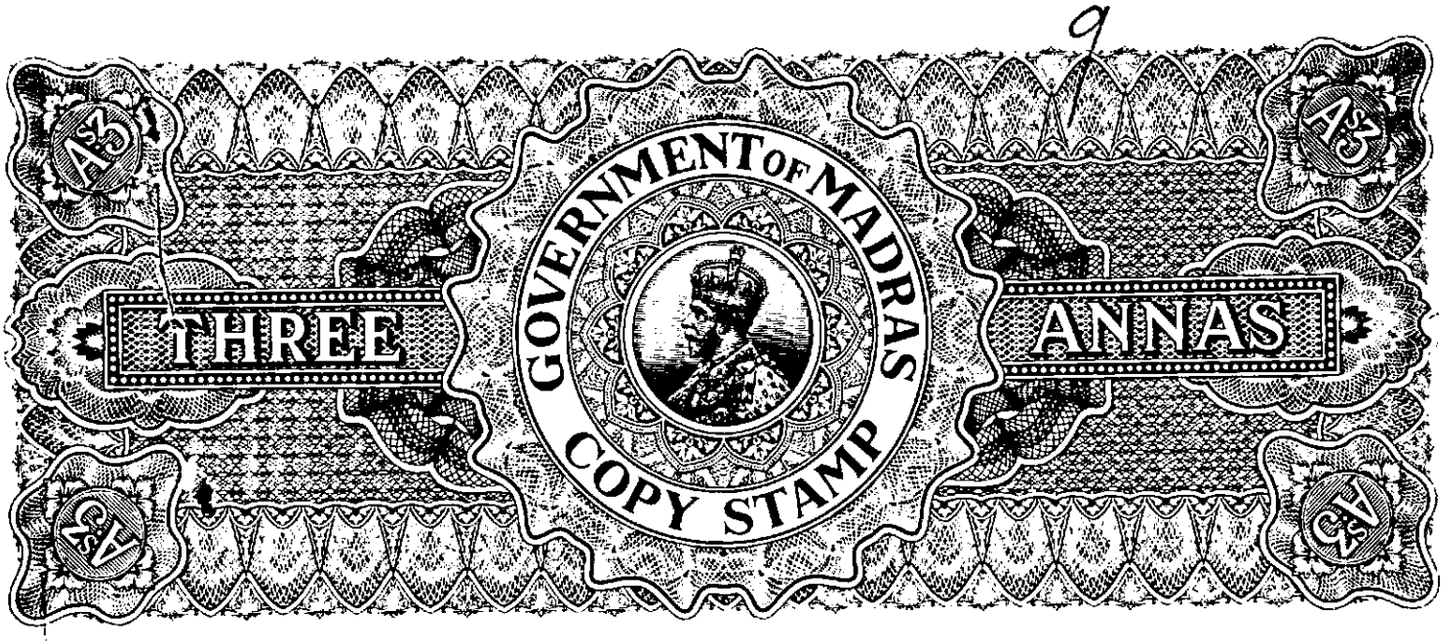
Pocock

13/11/86



following order:— Advanced to this day on the R. I. A. 1157/36 filed by the appellants. They pray that the appeal may be dismissed. The Respt presses for costs. The appeal is dismissed with costs of the Respt. The judgment of the lower court was passed by me as the District Munsif of Mangalore. As the appellants do not press their appeal, I have dismissed it although I am not entitled to hear on merits the appeal as the Judge of the appellate court. The memo of objections is also dismissed.

Pronounced in open court this 30th day of November 1936.

Erasure seven only. Sd/- P. Narayana Menon
Sd/- A. P. Subordinate Judge

306
copd by HPRao

(True copy or a short)

H. Jamar Shanbhag
Superintendent

115 WRa

(2)

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13/12/36

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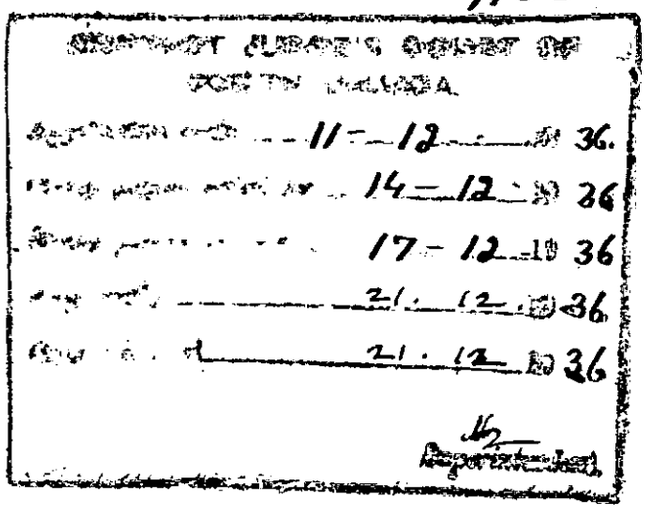

and Mr. H. R. Karaut